

Before the Board of Zoning Adjustment, D. C.

Application No. 12120 of Charles R. Turchin, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to permit a doctor's office where the doctor does not reside on the premises in the R-5-C District at the premises 1740 New Hampshire Avenue, N. W. (Square 153, Lot 808).

HEARING DATE: April 21, 1976 and May 19, 1976

DECISION DATE: May 25, 1976

FINDINGS OF FACT:

1. The property is located in an R-5-C District.

2. The uses permitted as a matter-of-right in an R-5-C District include single family dwellings, flats, multiple dwellings, rooming houses, boarding houses, hospitals, clinics for humans, private clubs, convalescent or nursing homes, museums and art galleries.

3. The subject property is improved with a three story plus attic brick building. The ground floor is currently used as a doctor's office. The upper floors are currently vacant. The building has been used as a doctor's office for eleven years. Prior to that time, the building was used as a rooming house.

4. A doctor's office is permitted in a R-5-C District only where the doctor resides on the premises. The applicant, whose office is located in the subject building, has not resided on the premises since the use was commenced.

5. The applicant offered no hardship as the basis for the granting of a variance, other than the economic feasibility of renovation.

6. The applicant submitted testimony of a contractor and an appraiser regarding the feasibility of renovating the building for residential use. The Board finds nothing in this testimony which would indicate that such renovation would be impossible. The subject property is located in an area where there has been substantial residential rehabilitation in recent years.

7. The North Dupont Community Association, the Dupont Circle Citizens Association and the 1600 S Street Association all opposed the application, primarily on the grounds that the building could be and should be used for residential purposes.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of a hardship due to unique circumstances peculiar to the subject property. The Board concludes that the applicant has failed to demonstrate that such a hardship exists. The Board concludes that the applicant has not demonstrated that reasonable use cannot be made of the property for any of the uses permitted in an R-5-C District. It is therefore ordered that the application be DENIED.

VOTE:

4-0 (Leonard L. McCants, William F. McIntosh, William S. Harps and Ruby B. McZier to deny, Lilla Burt Cummings, Esq. not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER, Acting
Secretary to the Board

FINAL DATE OF ORDER: JUN 22 1976